PUBLIC NOTICE: 2012-19

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON
THESE PROPOSED PENALTY ASSESSMENT.

UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA
MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR
CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).

CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S

"CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE

ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR

SUSPENSION OF PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22.

THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN

COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A

CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT

MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES.

THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF 537 COMMONS, LLC THE OWNER AND/OR OPERATOR OF THE FACILITY LOCATED AT 537 NORTH STATE ROAD, BRIARCLIFF, NEW YORK 10510, DOCKET NO. CWA-02-2012-3305; PROPOSED PENALTY: \$15,000.00, FOR FAILURE TO OBTAIN A STATE POLLUTION DISCHARGE ELIMINATION SYSTEM ("SPDES") DIRECT DISCHARGE PERMIT AND FOR FAILURE TO COMPLY AS REQUIRED BY SAID PERMIT.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINTS OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT

KAREN MAPLES

U.S. EPA, REGION 2

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NEW YORK, NEW YORK 10007

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UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED

ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

EPA HAS PROVIDED THE RESPONDENT WITH AN EXPEDITED SETTLEMENT OFFER IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER. IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

DATED: MAY 2, 2012

DORE LAPOSTA, DIRECTOR

DIVISION OF ENFORCEMENT AND

COMPLIANCE ASSISTANCE